UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YOR	RKX	USDC SDNY DOCUMENT ELECTRONICALLY FILED
HLP PROPERTIES, LLC, et al.,	:	DOC #:
Pl	aintiffs, :	
	:	14 Civ. 1383 (LGS)
-against-	:	
_	:	<u>ORDER</u>
CONSOLIDATED EDISON COMPANY OF		
NEW YORK, INC.,	:	
D	efendant. :	
	:	
	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by Order dated April 21, 2015, Plaintiffs were required to submit to the court *in camera* and *ex parte* by May 4, 2015, 10 documents related to their environmental consultant (the "Consultant") (the "Consultant Documents") with an explanation as to why each document is privileged;

WHEREAS, Plaintiffs timely submitted the Consultant Documents to the Court along with an *ex parte* and *in camera* letter dated May 4, 2015, explaining the basis for Plaintiffs' privilege claims ("Plaintiffs' May 4 letter");

WHEREAS, Plaintiffs' May 4 letter stated that 5 of the 10 Consultant Documents had been produced to Defendant as not privileged and that 3 additional Consultant Documents would be produced in redacted form to Defendant;

WHEREAS, by letter dated May 6, 2015, Defendant asserted that Plaintiffs' conduct amounted to a privilege waiver, requested leave to move for sanctions, and requested that Plaintiffs be ordered to provide Defendant with a copy of Plaintiffs' May 4 letter at least insofar as that letter related to the five documents that had been produced as not privileged;

WHEREAS, by letter dated May 7, 2015, Plaintiffs responded to Defendant's May 6 letter, stating they were re-examining their privilege log entries involving the Consultant;

WHEREAS, by letter dated May 7, 2015, Defendant replied that Plaintiffs had sent them

Part IV of Plaintiffs' May 4 letter. It is hereby

ORDERED that, by May 14, 2015, Plaintiffs shall produce to Defendant the redacted

documents identified in Parts II and III of Plaintiffs' May 4, 2015 letter. It is further

ORDERED that, by May 14, 2015, Plaintiffs shall provide Defendant with a redacted

version of Plaintiffs' May 4 letter with a copy emailed to the Court but not filed on ECF.

Plaintiff may redact only privileged information that has not been intentionally disclosed to

Defendant. It is further

ORDERED that, by May 14, 2015, Plaintiffs shall file a letter application proposing a

date by which they must complete their re-examination of the Consultant Documents and produce

the additional documents from that review. Within two business days of completing this re-

examination of the Consultant Documents, Plaintiffs shall promptly file a letter reporting the

results of the re-examination. It is further

ORDERED that, by May 14, 2015, Defendant shall identify 10 documents from

Plaintiffs' privilege logs that do not relate to the Consultant. By May 20, 2015, Plaintiffs shall

submit these 10 documents to the Court in camera and ex parte, with an explanation as to why

each document is privileged.

Dated: May 11, 2015

New York, New York

UNITED STATES DISTRICT JUDGE

2